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5 UNITED STATES DISTRICT COURT
6 FOR THE NORTHERN DISTRICT OF CALIFORNIA
7 OAKLAND DIVISION
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9 RESOURCE RENEWAL INSTITUTE,
10 CENTER FOR BIOLOGICAL DIVERSITY,
and WESTERN WATERSHEDS PROJECT,

11 Plaintiffs,

12 vs.

13 NATIONAL PARK SERVICE, a federal
14 agency, and CICELY MULDOON, in her
official capacity as Superintendent of Point
Reyes National Seashore,

15 Defendants.
16

Case No: C 16-0688 SBA

**ORDER CONTINUING CASE
MANAGEMENT CONFERENCE
AND SETTING BRIEFING
SCHEDULE**

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18 Plaintiffs Resource Renewal Institute, Center for Biological Diversity and Western
19 Watersheds Project filed the instant action against the National Park Service and Cicely
20 Muldoon on February 10, 2016. They seek to challenge Defendants' practice of
21 authorizing private livestock ranching on approximately 18,000 acres of the Point Reyes
22 National Seashore. The Complaint alleges three claims for relief: (1) violation of the
23 Administrative Procedures Act, 5 U.S.C. § 701, based on Defendants' alleged refusal or
24 failure to revise the General Management Plan for the Point Reyes National Seashore in a
25 timely manner, as required by the National Park Service Act, 54 U.S.C. §§ 100101,
26 100502; (2) violation of the National Environmental Protection Act, 42 U.S.C. § 4321,
27 based on the issuance of ranching authorizations; and (3) violation of the Point Reyes Act,
28 16 U.S.C. § 459c, also based on the issuance of ranching authorizations. Dkt. 1. In

1 response to the Complaint, Defendants have filed a Motion to Dismiss Plaintiffs'
2 Complaint or, in the Alternative, for a More Definite Statement, which is noticed for
3 hearing on July 13, 2016. Dkt. 26. Briefing on that motion remains open.

4 An initial Case Management Conference was scheduled for May 24, 2016.¹ In the
5 Joint Case Management Conference Statement filed in anticipation thereof, the parties
6 indicate that they disagree regarding the preparation and production of the administrative
7 record. Dkt. 27. In particular, Defendants refuse to discuss a date for production of the
8 administrative record until after the Court has ruled on their motion. *Id.* at 5, 6. Whether
9 Defendants' motion is meritorious, of course, is presently unknown. As such, in order to
10 avoid unnecessary delay, the parties shall meet and confer regarding a mutually agreeable
11 date for Defendants to produce the administrative record. If no agreement is reached, the
12 parties may propose a deadline for such production.

13 The parties also dispute whether discovery is appropriate in this case. Defendants
14 take the position that Plaintiffs' claims are limited to the administrative record, and
15 therefore, discovery is not appropriate. Likewise, Defendants contend that they are exempt
16 from the initial disclosure requirement on the ground that the action is limited to a review
17 of the administrative record. Plaintiffs counter that their discovery is permissible and that
18 they are entitled to initial disclosure relating to their first claim for relief, which alleges that
19 Defendants have unreasonably delayed an action regarding the General Management Plan.
20 To resolve this impasse, the Court directs the parties to submit briefing as set forth below.
21 Accordingly,

22 IT IS HEREBY ORDERED THAT:

23 1. The telephonic Case Management Conference scheduled for May 24, 2016, is
24 CONTINUED to July 27, 2016 at 2:30 p.m. At least seven (7) calendar days prior to the
25 conference, the parties shall meet and confer and file an Updated Joint Case Management
26

27 ¹ The initial Case Management Conference was scheduled prior to Defendants' filing
28 of their motion. In the interest of judicial economy, the Court will continue the Case
Management Conference to a date after the hearing on Defendants' motion to dismiss.

1 Statement in accordance with Civil Local Rule 16-9. Plaintiffs' counsel shall be
2 responsible for filing the Joint Case Management Statement and setting up the conference
3 call. At the date and time indicated above, Plaintiff's counsel shall call (510) 879-3550
4 with all parties on the line. NO PARTY SHALL OTHERWISE CONTACT CHAMBERS
5 DIRECTLY WITHOUT PRIOR AUTHORIZATION OF THE COURT.

6 2. The parties shall meet and confer in good faith regarding a mutually
7 acceptable date for the production of the administrative record. The Court encourages the
8 parties to agree upon a production date, thereby avoiding the need for judicial intervention.
9 If no agreement is reached, within seven days of the date this order is filed, the parties may
10 submit a joint letter brief setting forth each side's respective proposed deadline to produce
11 the Administrative Record.

12 3. Within seven days of the date this order is filed, Plaintiffs shall file a
13 memorandum in support of their request to conduct discovery and/or to compel Defendants
14 to provide their initial disclosures. Defendants' response shall be filed within seven days
15 thereafter. Plaintiffs' reply shall be filed no later than two days after Defendants file their
16 response. The opening and response briefs are limited to five pages and the reply is limited
17 to two pages. The Court will take the matter under submission upon the filing of Plaintiffs'
18 reply.

19 IT IS SO ORDERED.

20 Dated: 6/1/16


SAUNDRA BROWN ARMSTRONG
Senior United States District Judge